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Supreme Court, U.S.
FILED
OCT 27 2003
OFFICE OF THE CLERK

No. **02-1576**

IN THE

Supreme Court of the United States

VERA NIGRO

Petitioner(s)

V.

U. S. FEDERAL LABOR
RELATIONS AUTHORITY

On Petition For Writ Of Certiorari
To The U.S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR REHEARING

VERA NIGRO
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11 pp

QUESTIONS PRESENTED

1. Whether the presumptive non-reviewability of the Federal Labor Relations Authority (FLRA) in their decisions not to issue Unfair Labor Practices (ULP) should be revoked, and revised to make new law whereby, such decisions by FLRA (not to issue ULPs) would be recognized as decisions for proper review by the Courts of Appeals, especially when adverse actions are part of the case brought before the Authority ?

2. Whether the non-reviewability of FLRA decisions not to issue ULPs are unconstitutional (interfere with due process, etc.) and are a detriment to Federal Employees, their rights particularly of due process, (to include investigation methods [as witness interviews] and equal protection under the law.

3. Whether, unfair proceedings, errors, especially gross errors, and arbitrary conduct and acts , by the FLRA (deliberate, or not) are unconstitutional and wrongfully deny and interfere with Petitioner and federal employees receiving full rights and proper adjudication and remedies on their claims against government agencies and unions ?

4. Whether the non-reviewability of the Federal Labor Relations Authority (FLRA) in their decisions not to issue Unfair Labor Practices (ULP), is unconstitutional, when Courts of Appeals cannot review such determinations, and more so when, the Appeals Court fails to assert proper jurisdiction in cases which non-reviewability does not apply ?

5) Whether the FLRA misused its position and authority, by failing to act reasonably, failing to act in good faith, failing to apply reasonable standards and proper statutory interpretations and failing to ensure proper regulation and statutory compliance and/or did FLRA act in excess of its delegated powers contrary to the act and the Constitution, which wrongfully promoted abuse against Petitioner and other federal employees?

6) Whether the FLRA misinterpreted the statute at 7102 and 7116 and acted unreasonably and/or outside the bounds of reasonableness, committed gross errors and as such rendered unreasonable arbitrary, and capricious decisions in these cases in violation of applicable law and statute in which the Court of Appeals should have asserted jurisdiction for review over?

Related questions incorporated.

PARTIES TO THE PROCEEDING

All parties to the proceedings appear in the caption of the case on the cover and we also include the United States.

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(To include: change in law and Congressional Intent and intervening cases of other federal employees demonstrating the correctness and timeliness of this Petitioner's arguments for change in the federal work place)

CERTIFICATE OF GOOD FAITH (not numbered).. 5

TABLE OF AUTHORITIES

CASE: **PAGE:**

Beverly Dickerson, Alita Carter, Lydia Sawumni-Cruise Rita Galvan, Alexis Powell, Linda Reed, and Vera Robinson v. John W. Snow, Secretary of the Treasury, et al

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Constitution, statutes and regulation:

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IN THE SUPREME COURT OF THE UNITED STATES

Vera Nigro, (Petitioner)

v

U.S. Federal Labor Relations Authority

PETITION FOR REHEARING CASE No. 02-1576

Comes now the above named Petitioner and respectfully Petitions the Court for a Rehearing on the Petition for Writ of Certiorari. this Petition is based upon the following grounds:

1. That there exists intervening circumstances of a substantial or controlling effect and other substantial grounds were not previously presented.

A. That the Court erred in failing to grant Certiorari in the face of direct Constitutional violations on the part of federal agencies and federal courts as outlined in the Writ Petition for this case. More and newly arguing here the direct public interest in having the Supreme Court directly correct due process for Petitioner and other employees involved and coming forward in these matter and to the involved agencies.

Petitioner learned on 10/24/03 her extention request to file for Rehearing was denied, by having a call placed to the Court. Due to such a short time frame and adverse circumstances which the Petitioner is under, this is the best product we can present under the circumstances. This is Petitioner's "just in case" file. Petitioner does disagree with the Court denying her extension of time to file for Rehearing.

This Petition for Rehearing is intended to advance the arguments in the original Petition for Writ of Certiorari for the Petitioner in Case No. 02-1576. Further, we discuss briefly below a bit more where we believe there exists intervening circumstances of a substantial or controlling effect and other substantial grounds were not previously presented they are described below:

Petitioner believes that the Court should look at case 03-6904, Beverly Dickerson, et al. This case was just recently filed with the Court and the Court has current jurisdiction over that case. This case is one of the outlined cases Petitioner talked of in her Writ Petition and General Opposition. It demonstrates full support and corroboration to the Court the main points concerning lack of due process and unfavorable problems with the current administrative systems within the federal government. It demonstrates the verified truth of the Petitioners words in her Petition to the Court of the bad experiences faced and the rights interfered with and wrongfully denied. Petitioner believes now that this case is before the Court and it supports and corroborates the Petitioner in her original Writ Petition and General Opposition, the Court has jurisdiction to work the matters and Rehearing should be granted.

Further in support of and corroboration to the the Petitioner is the fact that past week history has been made to change the federal government processes. The meetings concerning the new Homeland Security Department took place, these meetings to establish changes had not yet occurred at the filing of Petitioner's Writ Petition. It has been realized that the current Civil Service Systems and Processes do not work and must change. Petitioner presented these facts to the Court in her Original Petition (See Petitioner's Writ Petition Page 26). The federal government systems which not only the Petitioner has come to this Court to raise concerns about involving these failing federal systems, for herself and others, but now others have come to this Court (Beverly Dickerson, Vera Robinson, et al 03-6904 and soon more) speaking of the same thing. The Petitioner believes her Petition is timely and the changes she talks of are timely as demonstrated by the additional cases coming into this Court. These cases and meetings show the validity of the issues and problems raised by the Petitioner to the Court. The matters raised by the petitioner in her Writ Petition to the Court are in the public interest for this Court to address and remedy for the Petitioner and those involved in Petitioner's cases and the parties that are coming forward and will come forward. Petitioner believes this Court must be at the forefront in protecting the employees and fostering the needed changes in the federal government.

Articles talking of changes that will occur to the government systems were printed in various news paper and support us further. 'The Washington Post" was one in which I'm sure many of the Justices read. The Post wrote articles in their Metro section stating 10/20/03 -White House, Meetings to Signal Changes in Homeland Security Work place and 10/21/03 - The Conversation begins on Homeland Security Personnel Rules.

Quoting from the 10/21/03 article Robert Bonner commissioner of the Bureau of Customs and Border Protection stated about the meetings and topics "I don't see the status quo as an option". The article was talking about and printing his comment about the revamping of pay and workforce rules in the Department of Homeland Security. Other meetings and articles have occurred stating that the changes resulting from Homeland Security will ushering changes to other problem areas and agencies in the federal government. The results of the Homeland Security meetings this week demonstrate the federal work place (including as it relates to unions) is changing because of concerns expressed over outdated and cumbersome processes and now realized and ripe for necessary action. The status quo(and problems of the current systems) which the Petitioner talked of in her Writ Petition and now the Dickerson groups talks of in their Petition demonstrate the need and timeliness for change by this Court. It is in the public interest for the Court to get involved especially as there are Constitutional rights being violated and interfered with.

Petitioner respectfully asks the Court to reconsider her Petition and grant this Petition for Rehearing..

Respectfully submitted,

Vera Nigro
Petitioner, Pro Se
c/o 43 Courage Lane
Stafford, VA 22554
Msg. Svc/Fax (703) 221-0211

CERTIFICATE OF GOOD FAITH

Petitioner, hereby certifies pursuant to the Rules of the Supreme Court of the United States specifically Rule 44, that the foregoing Petition for Rehearing, is about intervening circumstances of a substantial or controlling effect, or other substantial grounds not previously presented and was submitted in good faith and not for purpose of delay.

Respectfully submitted,

Vera Nigro
c/o 43 Courage Lane
Stafford, VA 22554
Msg. Svc/Fax (703) 221-0211

No. **02-1576**

IN THE

SUPREME COURT OF THE UNITED STATES

Vera Nigro, (Petitioner, Pro Se)
c/o 43 Courage Lane
Stafford Va. 22554
Msg. Svc./Fax (703) 221-0211

V.

Federal Labor Relations Authority, (Respondents)

PROOF OF SERVICE

I, Vera Nigro, declare, that on this date, of October 27, 2003, as required by Supreme Court Rule 29, I have served the enclosed/ foregoing **Petition for Rehearing**, on each party to the above proceeding or that parties counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, and ~~40~~ Booklet copies and the $ 200.00 Rehearing filing fee, were serviced, by HAND CARIER DELIVERY upon the Clerk of the U.S. Supreme Court on this 27 day of October, 2003 also. / EXTRA BOOKLET SIGNED.

Solicitor General of the United States (Mr. Olson)
Department of Justice, Room 5614
950 Pennsylvania Ave. N.W.
Washington D.C. 20530-0001

DAVID M. SMITH
FLRA
1400 K STREET, N.W.
WASHINGTON, D.C. 20424

I declare under penalty of perjury that the foregoing is true and correct

Executed on: October 27, 2003

Vera Nigro
Vera Nigro